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 INFORMATION SERVICES LLC

11
 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN JOSE DIVISION**

15
 16 MOHAMED ABOUELHASSAN,) Case No: C07 03951 JF
 PRO SE,)
 17 Plaintiff,)
 18 v.)
 19 CHASE BANK, EXPERIAN, EQUIFAX)
 CREDIT INFORMATION SERVICES,)
 INC., TRANSUNION, DOE 1, aka "B-Line,")
 21 inclusive,)
 22 Defendants.)
 23 _____)

**FIRST AMENDED ANSWER AND
 DEFENSES OF EQUIFAX
 INFORMATION SERVICES LLC TO
 FIRST AMENDED COMPLAINT**

24
 25 COMES NOW Defendant Equifax Information Services LLC [sued and served herein as
 26 EQUIFAX CREDIT INFORMATION SERVICES, INC.] ("Equifax"), through its undersigned
 27 counsel, and for its amended answer and defenses to Plaintiff's First Amended Complaint, states
 28 as follows.

1 1. Equifax is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 1 of Plaintiff's First Amended Complaint and
3 therefore denies the same.

4 2. Equifax is without knowledge or information sufficient to form a belief as to the
5 truth of the allegations contained in Paragraph 2 of Plaintiff's First Amended Complaint.

6 3. Equifax is without knowledge or information sufficient to form a belief as to the
7 truth of the allegations contained in Paragraph 3 of Plaintiff's First Amended Complaint.

8 4. Equifax is without knowledge or information sufficient to form a belief as to the
9 truth of the allegations contained in Paragraph 4 of Plaintiff's First Amended Complaint.

GENERAL ALLEGATIONS

11 5. Equifax is without knowledge or information sufficient to form a belief as to the
12 truth of the allegations contained in Paragraph 5 of Plaintiff's First Amended Complaint.

13 6. Equifax denies the allegations contained in Paragraph 6 as they pertain to Equifax.
14 Equifax is without knowledge or information sufficient to form a belief as to the truth of the
15 remaining allegations contained in Paragraph 6 of Plaintiff's First Amended Complaint.

16 7. Equifax denies the allegations contained in Paragraph 7 as they pertain to Equifax.
17 Equifax is without knowledge or information sufficient to form a belief as to the truth of the
18 remaining allegations contained in Paragraph 7 of Plaintiff's First Amended Complaint.

FIRST CAUSE OF ACTION

(Libel Defamation and Professional Negligence-Against all Defendants)

21 8. In response to Paragraph 8 of Plaintiff's First Amended Complaint, Equifax
22 reasserts and realleges its responses and defenses as set forth above.

23 9. Equifax is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in Paragraph 9 of Plaintiff's First Amended Complaint.

25 10. Equifax denies the allegations contained in Paragraph 10 as they pertain to
26 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
27 of the remaining allegations contained in Paragraph 10 of Plaintiff's First Amended Complaint.

1 11. Equifax is without knowledge or information sufficient to form a belief as to the
2 truth of the allegations contained in Paragraph 11 of Plaintiff's First Amended Complaint.

3 12. Equifax denies the allegations contained in Paragraph 12 as they pertain to
4 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
5 of the remaining allegations contained in Paragraph 12 of Plaintiff's First Amended Complaint.

6 13. Equifax denies the allegations contained in Paragraph 13 as they pertain to
7 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
8 of the remaining allegations contained in Paragraph 13 of Plaintiff's First Amended Complaint.

9 14. Equifax denies the allegations contained in Paragraph 14 as they pertain to
10 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
11 of the remaining allegations contained in Paragraph 14 of Plaintiff's First Amended Complaint.

12 15. Equifax denies the allegations contained in Paragraph 15 as they pertain to
13 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
14 of the remaining allegations contained in Paragraph 15 of Plaintiff's First Amended Complaint.

15 16. Equifax is without knowledge or information sufficient to form a belief as to the
16 truth of the remaining allegations contained in Paragraph 16 of Plaintiff's First Amended
17 Complaint.

18 17. Equifax denies the allegations contained in Paragraph 17 as they pertain to
19 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
20 of the remaining allegations contained in Paragraph 17 of Plaintiff's First Amended Complaint.

21 18. Equifax denies the allegations contained in Paragraph 18 as they pertain to
22 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
23 of the allegations contained in Paragraph 18 of Plaintiff's First Amended Complaint.

24 19. Equifax is without knowledge or information sufficient to form a belief as to the
25 truth of the remaining allegations contained in Paragraph 19 of Plaintiff's First Amended
26 Complaint.

27 20. Equifax is without knowledge or information sufficient to form a belief as to the
28 truth of the allegations contained in Paragraph 20 of Plaintiff's First Amended Complaint.

1 21. Equifax denies the allegations contained in Paragraph 21 as they pertain to
2 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
3 of the allegations contained in Paragraph 21 of Plaintiff's First Amended Complaint.

4 22. Equifax denies the allegations contained in Paragraph 22 as they pertain to
5 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
6 of the allegations contained in Paragraph 22 of Plaintiff's First Amended Complaint.

7 23. Equifax denies the allegations contained in Paragraph 23 as they pertain to
8 Equifax. Equifax is without knowledge or information sufficient to form a belief as to the truth
9 of the allegations contained in Paragraph 23 of Plaintiff's First Amended Complaint.

10 24. Equifax is without knowledge or information sufficient to form a belief as to the
11 truth of the allegations contained in Paragraph 24 of Plaintiff's First Amended Complaint.

12 25. Equifax denies the allegations contained in Paragraph 25 as they pertain to
13 Equifax.

SECOND CAUSE OF ACTION

(Fair Debt Collections Practice Act)

16 26. In response to Paragraph 26 of Plaintiff's First Amended Complaint, Equifax
17 reasserts and realleges its responses and defenses as set forth above.

18 27. Equifax is without knowledge or information sufficient to form a belief as to the
19 truth of the allegations contained in Paragraph 27 of Plaintiff's First Amended Complaint.

20 28. Equifax is without knowledge or information sufficient to form a belief as to the
21 truth of the allegations contained in Paragraph 28 of Plaintiff's First Amended Complaint.

THIRD CAUSE OF ACTION

(Title 11 Bankruptcy Code)

24 29. In response to Paragraph 29 of Plaintiff's First Amended Complaint, Equifax
25 reasserts and realleges its responses and defenses as set forth above.

26 30. Equifax is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in Paragraph 30 of Plaintiff's First Amended Complaint.

31. Equifax is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 31 of Plaintiff's First Amended Complaint.

REQUEST FOR RELIEF

32. Equifax denies that Plaintiff is entitled to any of the relief set out in his prayer for relief, including each and every subpart.

DEFENSES

33. Without assuming the burden of proof where it otherwise rests with the Plaintiff, Equifax pleads the following defenses to Plaintiff's First Amended Complaint:

FIRST DEFENSE

34. Plaintiff's First Amended Complaint fails to state a claim against Equifax upon which relief can be granted.

SECOND DEFENSE

35. Plaintiff's damages, if any, were not caused by Equifax, but by another person or entity for whom or for which Equifax is not responsible.

THIRD DEFENSE

36. Equifax Information Services LLC maintained reasonable procedures to assure maximum possible accuracy in its credit reports.

FOURTH DEFENSE

37. Equifax has complied with the provisions of the Fair Credit Reporting Act in its handling of Plaintiff's credit file, and is entitled to each and every defense afforded to it by that statute.

FIFTH DEFENSE

38. Equifax asserts that some or all of Plaintiff's claims may be pre-empted by section 1681h(e) of the Fair Credit Reporting Act.

SIXTH DEFENSE

39. Equifax has acted in good faith and without malice or intent to injure Plaintiff.

SEVENTH DEFENSE

40. Plaintiff has not alleged any injury in fact.

EIGHTH DEFENSE

41. Plaintiff has not suffered any damages.

NINTH DEFENSE

42. Plaintiff's damages, if any, are caused by his own acts or omissions, or the acts or omissions of third parties other than Equifax.

TENTH DEFENSE

43. Plaintiff's claim for punitive damages is barred by the provisions of 15 U.S.C. §1681n.

ELEVENTH DEFENSE

44. Plaintiff's First Amended Complaint seeks the imposition of punitive damages. Equifax adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in the following cases: BMW v. Gore, 517 U.S. 559 (1996); Cooper Indus., Inc. v. Leatherman Tool Group, Inc., 532 U.S. 923 (2001) and State Farm v. Campbell, 538 U.S. 408 (2003).

TWELFTH DEFENSE

45. Plaintiff has failed to mitigate his damages.

THIRTEENTH DEFENSE

46. Equifax reserves the right to plead additional defenses that it learns of through the course of discovery.

FOURTEENTH DEFENSE

47. Equifax asserts that some or all of Plaintiff's claims are barred by qualified immunity.

WHEREFORE, having fully answered Plaintiff's First Amended Complaint, defendant Equifax Information Services LLC prays for judgment as follows:

26 (1) Plaintiff's First Amended Complaint be dismissed in its entirety and with
27 prejudice, with costs taxed against plaintiff;
28 (2) That Equifax be dismissed as a party to this action;

- (3) That Equifax recover from Plaintiff its expenses of litigation, including attorneys' fees; and
- (4) That Equifax recover such other and additional relief as the Court deems proper.

Respectfully submitted,

NOKES & QUINN

Dated: December 14, 2007

/S/

STEPHANIE COPE KING & SPALDING

Attorneys for Defendant EQUIFAX
INFORMATION SERVICES LLC